

REMARKS

The above amendments and following remarks are submitted in response to the Official Action of the Examiner mailed May 21, 2004. Having addressed all objections and grounds of rejection, originally presented claims 1-20, along with newly presented claims 21-25, being all the pending claims, are now deemed in condition for allowance. Reconsideration to that end is respectfully requested.

The Examiner objected to the title as originally presented. In response thereto, the title has been amended to correspond to that which was recommended by the Examiner.

The specification has been amended above to include the serial number and filing date of a cross-referenced, co-pending, commonly assigned, application.

The Examiner has rejected claims 1-20 under 35 U.S.C. 102(e) as being anticipated by U.S. Patent No. 6,466,971, issued to Humpleman et al (hereinafter referred to as "Humpleman"). This ground of rejection is respectfully traversed for the reasons provided below.

The standard for the finding of anticipation during the examination process may be found in MPEP 2131, which states in part:

TO ANTICIPATE A CLAIM, THE REFERENCE MUST TEACH
EVERY ELEMENT OF THE CLAIM
"A claim is anticipated only if each and every element
as set forth in the claim is found, either expressly or

inherently described, in a single prior art reference." *Verdegaal Bros. v. Union Oil Co. of California*, 814 F.2d 628, 631, 2 USPQ2d 1051, 1053 (Fed. Cir. 1987). "The identical invention must be shown in as complete detail as is contained in the ... claim." *Richardson v. Suzuki Motor Co.*, 868 F.2d 1226, 1236, 9 USPQ2d 1913, 1920 (Fed. Cir. 1989).

The rejection of claims 1-20 as anticipated by Humpleman is respectfully traversed "each and every element as set forth in the claim[s] is" not "found, either expressly or inherently described" in Humpleman.

The essence of Applicants' invention as disclosed and claimed includes a "legacy database management system" coupled to a "publicly accessible digital data communication network" (e.g., the Internet) wherein the communication is in the form of "XML ... messages" which need conversion to the "command language" of the "legacy database management system" to permit honoring of service requests.

Humpleman has no "legacy database management system"; it has no "publicly accessible digital data communication network" coupled to the legacy database management system; and it has no legacy database management system "command language". Humpleman summarizes his disclosure at column 1, lines 28-30, stating:

The present invention relates to the field of network systems, and more particularly, to home network having multiple devices connected thereto. (Emphasis added)

Humpleman expressly disqualifies itself as disclosing the elements of Applicants' claimed invention. Therefore, Humpleman

cannot possibly be found to anticipate claims 1-20 under MPEP 2131.

Specifically, as to claim 1 which is a Jepson type claim for which MPEP 608.01(m) requires the Examiner to treat preamble limitations as elements within the combination. He has not done so, because these elements are not found in the prior art of record. Humpleman has no "legacy data base management system having a command language".

Humpleman itself limits its discussion to a privately accessible, home network, rather than the claimed configuration. Column 1, lines 28-30, states:

The present invention relates tot he field of network systems, and more particularly, to home network having multiple devices connected thereto. (Emphasis added)

Clearly, the "home network" of Humpleman does not meet the limitations of the claims.

Because Humpleman does not have the most basic elements of claim 1 (i.e., "legacy database management system having a command language", and "publically accessible digital data communication network" as the coupling network), the reading of Humpleman on the remainder of the claim makes no sense. For example, element "a" requires "a user terminal coupled to said legacy data base management system via said publically accessible digital data communication network". Humpleman has no "user terminal". Instead, the Examiner cites column 26, lines 8-14,

...

which makes a parenthetical reference to the Internet, without showing the claimed coupling which is essential to the claimed invention.

Similarly, claim element b) requires "an input definition facility which defines the input coming into an XML service and can load a sample XML document for said XML service to said legacy data base management system for honoring". Because Humpleman does not meet this limitation, the Examiner cites column 20, lines 11-67, which has nothing to do with the claimed invention or the claim element for which it is cited. This extensive passage begins:

Referring to FIG. 20, device interfaces for home devices 14 are based on an industry standard structured data base 100 using standardized vocabulary. (Emphasis added)

Clearly, Humpleman has nothing to do with the claimed invention. Humpleman discusses coupling household electronic devices in a "home network". Column 1, lines 26-30, states:

FIELD OF THE INVENTION

The present invention relates to the field of network systems, and more particularly, to home network (sic) having multiple devices connected thereto. (Emphasis added)

Not only does Humpleman fail to describe the claimed invention as required by MPEP 2131, it is not even close. The rejection of claim 1, and all claims depending therefrom, is respectfully traversed.

Claim 2 depends from claim 1 and is further limited by "wherein said XML service further comprises a plurality of variables". In making his rejection, the Examiner cites the relatively extensive column 12, lines 34-57. This passage says nothing of a "plurality of variables". Furthermore, because Humpleman does not have the claimed XML service, it cannot meet the limitations of the claim, even if the extensive citation of the Examiner were to disclose a "plurality of variables". The rejection of claim 2, and all claims depending therefrom is respectfully traversed.

Claim 3 depends from claim 2 and is further limited by "wherein said XML service further comprises a plurality of tables". In making his rejection, the Examiner cites the relatively extensive and unrelated column 20, lines 11-51. This passage says nothing of a "plurality of tables". Furthermore, because Humpleman does not have the claimed XML service, it cannot meet the limitations of the claim, even if the extensive citation of the Examiner were to disclose a "plurality of tables". The rejection of claim 3, and any claims depending therefrom is respectfully traversed.

Claim 4 depends from claim 3 and is further limited by "wherein said XML service further comprises executable script". In making his rejection, the Examiner cites the relatively extensive and unrelated column 14, lines 1-38, and column 16,

lines 36-67. These passages say nothing of "executable script". Furthermore, because Humpleman does not have the claimed XML service, it cannot meet the limitations of the claim, even if the extensive citation of the Examiner were to disclose "executable script". The rejection of claim 4, and claims depending therefrom is respectfully traversed.

In rejecting claims 5, 10, 15, and 19, the Examiner cites column 26, lines 8-14, to show that Humpleman parenthetically mentions the Internet. However, claims 5, 10, 15, and 19 require that the communication between the user terminal and legacy database management system be via the Internet. Humpleman says nothing of such communication over the Internet. The rejection of claims 5, 10, 15, and 19 is respectfully traversed.

In rejecting claim 6, the Examiner repeats many of the errors described above and in addition clearly erroneously finds that Humpleman has "a database management system". He cites column 7, lines 1-36 and column 16, lines 36-67. Neither of these extensive citations teaches a database management system. In clearly erroneously finding the "facility limitation", the Examiner cites claims 9-12 of Humpleman which do not disclose the limitation. As a result, Humpleman does not have the claimed combination as required by MPEP 2131. The rejection of claim 6, and all claims depending therefrom, is respectfully traversed.

Claim 7 depends from claim 6 and is further limited by "wherein said input service further comprises an XML input service". Because Humpleman does not have an input service, the Examiner cites column 13, lines 34-67. This extensive citation says nothing of the claimed invention. The rejection of claim 7, and any claim depending therefrom, is respectfully traversed.

The rejection of claim 8 is respectfully traversed for the above provided reasons in response to the rejection of claim 2.

Claim 9 depends from claim 8 and is further limited by "wherein said facility further comprises a plurality of sample XML messages". Because Humpleman does not have the claimed "facility", it cannot meet this claim limitation. Nonetheless, the Examiner cites column 13, 42-67, which says nothing of a "plurality of sample XML messages". The rejection of claim 9, and any claim depending therefrom, is respectfully traversed.

The rejection of claim 10 is respectfully traversed for the above provided reasons in response to the rejection of claim 5.

Claim 11 is an independent method claim. In addition to repeating many of the errors described above, the Examiner finds the "retrieving" step at Humpleman column 26, lines 8-14. This often cited passage says nothing of the claim limitation (e.g., it says nothing of the claimed "sample document", "repository", etc. Similarly, the Examiner cannot find the other claimed steps within Humpleman, because Humpleman is not even particularly

pertinent prior art. The rejection of claim 11, and all claims depending therefrom, is respectfully traversed.

Claim 12 depends from claim 11 and further limits the "sample document". Humpleman does not have a "sample document". Therefore, it cannot meet the limitations of the claim. Nevertheless, the Examiner cites column 10, lines 28-36, which has nothing to do with the claim limitation. The rejection of claim 12, and any claim depending therefrom, is respectfully traversed.

The rejection of claim 13 is respectfully traversed for the above provided reasons in response to the rejection of claim 2.

The rejection of claim 14 is respectfully traversed for the above provided reasons in response to the rejection of claim 3.

The rejection of claim 15 is respectfully traversed for the above provided reasons in response to the rejection of claim 4.

Claim 16 is an independent apparatus claim having "means-plus-function" limitations. Humpleman has none of the five claimed elements. Furthermore, the Examiner is required to examine claim 16 in accordance with MPEP 2181 et seq. The rejection of claim 16 is respectfully traversed.

Claim 17 depends from claim 16 and further limits the "storing means" to a "repository". The Examiner cites two extensive passages of Humpleman (i.e., column 26, lines 40-67,

and column 25, lines 53-62) wherein neither says anything about a repository. The rejection of claim 17 is respectfully traversed.

The rejection of claim 18 is respectfully traversed for the above provided reasons in response to the rejection of claim 7.

The rejection of claim 19 is respectfully traversed for the above provided reasons in response to the rejection of claim 2.

The rejection of claim 20 is respectfully traversed for the above provided reasons in response to the rejection of claim 3.

Newly presented claims 21-25, though differing somewhat in scope, are deemed to be patentable for similar reasons.

Having thus responded to each objection and ground of rejection, Applicants respectfully request entry of this amendment and allowance of claims 1-25, being the only pending claims.

Newly presented claims 21-25, though of differing scope, are deemed similarly limited.

Having thus responded to each objection and ground of rejection, Applicants respectfully request entry of this amendment and allowance of claims 1-25, being the only pending claims.

Please charge any deficiencies or credit any overpayment to
Deposit Account No. 14-0620.

Respectfully submitted,

Thomas N. Turba et al.

By their attorney,

Date August 19, 2004



John L. Rooney
Reg. No. 28,898
Suite 401

Broadway Place East
3433 Broadway Street N.E.
Minneapolis, Minnesota
55413
(612) 331-1464